**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUMMONS FOR JUDGMENT NO. 696 OF** 2004
IN
Summary SUIT NO. 519 OF 2003

GLAXCO SMITHKLINE PHARMACEUTICALS LTD. . .... Plaintiff
V/S
BINDAL MEDICAL STORES & ORS. ... Defendants

Sunil Patel i/b. Rajesh Desai for Plaintiff
Girish Kulkarni with A. Mamath i/b. S.A. Joshi for defendant

**CORAM: S. U. KAMDAR J.**

Date: 28/9/2005

P.C.

The present suit is filed on dishonoured cheques which are issued by the defendant to the Plaintiff. The particulars of claim sets out each of the said cheques which have been dishonoured. The only defence raised by the defendant is that the cheques were given in blank and that it was given on a post dated basis. It is contended that the defendant has not received the goods. However, I am unable to accept the aforesaid contention. Under the Negotiable Instruments Act there is a presumption of consideration having been passed once the cheques are issued. Thus there is no merit in this contention.

2. However, with a view to give an opportunity to defend the suit, I direct the defendant to deposit a sum of Rs.22,50,000/- in this court

within a period of 4 weeks, failing which the Petitioner will be entitled to a decree. The amount so invested will be invested by the Prothonotary and Senior Master in fixed deposit in any nationalised bank, initially for a period of three years and renew the same from time to time till further orders.

If the amount is paid as aforesaid, then suit is transferred to the list of Commercial causes. Written statement or points of defence to be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

(S. U. KAMDAR J.)